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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,926	09/28/2000	Reginald W. Sprecher	99AB169	8138

7590 01/16/2004

Attention John J Horn
Rockwell Technologies LLC
Patent Dept 704P Floor 8 T 29
1201 South Second Street
Milwaukee, WI 53204

EXAMINER

YANCHUS III, PAUL B

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,926

Applicant(s)

SPRECHER ET AL.

Examiner

Paul B Yanchus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/20/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to amendments filed on 10/20/03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6, 9-12, 21, 22, 25, 26 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Donohue, US Patent no. 6,202,207.

Regarding claims 1 and 12, Donohue teaches a method of adding a component to a system, the method comprising:

determining a required resource list for the component [software resources required, column 9, lines 45-67];

linking the required resource list to the component [software resources required, column 9, lines 45-67];

executing a loader program to compare the required resource list with a predetermined set of resources [updater component, column 11, lines 46-67];

when the entire list of required resources matches the set of predetermined resources, adding the component to the system [column 11, lines 56-61];

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when less than the entire list of required resources matched the set of predetermined resources, searching for the missing resources [column 11, lines 61-67].

Donohue teaches a method of analyzing required resources before upgrading software in a system. Upgrading software in a system is, essentially, adding new software to the system.

Regarding claims 5 and 6, Donohue teaches searching local storage and then different internet locations to retrieve the necessary resources [column 11, line 64 – column 12, line 3].

Regarding claims 9 and 10, Donohue teaches querying other updater components of required resources to check for compatibility [column 11, lines 46-67].

Regarding claim 11, it is inherent that some kind of program is used to collect the list of resources in the system and send them to the reconfiguration manager.

Regarding claims 21, 22, 25, 26 and 29-32, Donohue teaches a method of adding a component to a system, as described above. Therefore, Donohue also teaches an electronic system, which carries out the method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 7, 8, 13-17, 23, 24, 27, 28 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue, US Patent no. 6,202,207.

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Regarding claims 3 and 4, Donohue teaches adding a component to a system, as described above, but does not explicitly teach notifying a user if one or more required resources are not present. However, notifying users of installation errors is well known in the art and it would have been obvious to one of ordinary skill in the art to do so.

Regarding claims 7 and 8, Donohue does not explicitly teach adding a different version of a resource without overwriting the current version of the resource. However, it would have been obvious to keep a copy of the current version of the resource to account for the possibility that the different version of the resource is not compatible with the system.

Regarding claims 13-17, it would be an obvious design choice to either manually or automatically compile the list of resources. The way in which the list of resources is collected does not have an effect on the claimed invention.

Regarding claims 23, 24, 27, 28 and 33-36, Donohue teaches a method of adding a component to a system, as described above. Therefore, Donohue also teaches an electronic system, which carries out the method.

Claims 18-20 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue, US Patent no. 6,202,207, in view of Curtis, US Patent no. 6,442,754¹.

Donohue does not teach a method of uninstalling a component, which includes checking if other components are dependent on a resource to be deleted. Curtis teaches determining if a resource is needed by other components and, if so, notifying the user of the dependency issues [column 13, lines 48-67].

¹ As cited in previous office action, paper no. 3

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It would have been obvious to one of ordinary skill in the art to combine the teachings of AlSafadi et al. and Curtis. Checking for multiple dependencies before deleting certain resources will prevent components from becoming inoperable because certain resources were deleted [Curtis, column 13, line 66 – column 14, line 3].

Response to Arguments


Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul B Yanchus whose telephone number is (703) 305-8022. The examiner can normally be reached on Mon-Thurs 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Paul Yanchus
January 8, 2004


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100